IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 24TH OCTOBER 2007 / 2ND KARTHIKA 1929

Bail Appl..No. 6495 of 2007()

[O.R NO.4/07 OF VELLIKULANGARA FOREST RANGE]

: PETITIONER/ACCUSED NO.2

SURENDRAN, S/O. VELANDI, AGED 45 YEARS,
PAROOKARAN HOUSE, ADICHILY DESOM, MELOOR VILLAGE.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 24/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6495 of 2007

Dated this the 24th day of October 2007

O R D E R

Application for anticipatory bail. The petitioner is the second accused in a crime registered under the provisions of the Kerala Forest Act. The crux of the allegations is that the petitioner, along with the co-accused, was engaged in cutting and removal of sandal wood from a reserve forest. When the forest officials reached the scene, the petitioner allegedly took to his heels. The first accused was arrested. The seizure mahazer was prepared. In the contemporaneous seizure mahazer and in the occurrence report, the complicity of the petitioner is clearly narrated. The petitioner has not been apprehended so far. Investigation is in progress. The petitioner apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He may be granted anticipatory bail, it is prayed. The learned Public Prosecutor opposes the application. There is absolutely nothing to doubt or suspect the

version of the detecting official now. At any rate, it is not a fit case where directions under Section 438 Cr.P.C can or ought to be issued, submits the learned Public Prosecutor.

3. I find merit in the opposition by the learned Public Prosecutor. I am unable to perceive any features in this case which would justify the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. I agree with the learned Public Prosecutor that the petitioner must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

4. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007